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sented by eighteen members, while thirty-six members should represent the professions and industries.[1] However, as Schober pointed out, a reform of such magnitude could not be hurried through in a few days—particularly as it would mean a further increase in the number of officials.[2] It was anticipated, however, that another constitutional law would be passed dealing with this matter. In the meantime the composition of the Federal Council remained unchanged.[3]

A further step towards centralization was taken by extending the control of the Court of Audit not only over provincial finances but over districts which comprised more than twenty thousand inhabitants.[4] Hitherto the control of the Court of Audit had only been exercised in those Provinces which had not independent control organs of their own.[5] This change brought the finances of the city of Vienna under the control of the Court of Audit, and in consequence was bitterly opposed by the Social Democrats.

The right of appeal in matters dealing with provincial administration was somewhat extended.

The powers of the State police were considerably extended at the expense of those of the Provinces.[6] As a result of this legislation, the special municipal police force instituted in Vienna after the 1927 riots had to be disbanded. All State police were to be given an autonomous ordinance right, in virtue of which they could, under special circumstances, issue ordinances, which would have temporary validity, provided

[1] *The Times*, 15 October 1929. [2] *Reichspost*, 20 October 1929.

[3] But although no new legislation was introduced, a later paragraph referred to members of the Upper House as enjoying immunity in their capacity as members of Provincial Councils (Article 58, (1)). But the old Federal Council members, although they had to be eligible for election, could not themselves be members of local assemblies (Article 35, (2), 1920).

[4] Smaller districts could be included if the Provincial Government concerned so requested (Article 127).

[5] B. G. Bl. Nr. 268, 30 July 1925, Article 127, (1).

[6] Kelsen, *Jahrbuch des öffentlichen Rechts*, vol. xviii, p. 132. 'So gut wie die gesamte Sicherheitspolizei ist der Zuständigkeit der Länder entzogen, und dem Bunde übertragen. Diese Monopolisierung fast des gesamten Polizeiwesens beim Bund bedeutet, wenn man beachtet, dass auch das ganze Militärwesen u. die ganze Gerichtsbarkeit von allem Anfang an beim Bund lagen—einen Grad von Zentralisation, der mit dem Typus des Bundesstaates kaum mehr vereinbar ist.'

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642 that they did not contravene existing laws.[1] Schober gave an
●625 assurance that this legislation was only intended to endow the police with such additional facilities for keeping order as no law-abiding man could take exception to.

[871] The State Minister for Education was now given control over all matters concerning education[2]—a concession on the part of the Social Democrats.

642 The future position of Vienna was the subject of much bitter
635 controversy. The Christian Socialists, seeing in its independence the key to many of the evils of post-war Austria, wished to deprive it of its provincial status, and reduce it to the position of a federal city under the direct control of the Federal Government. They maintained that it was not that Vienna was of lesser importance than the other Provinces, but that she was essentially different from them.[3] Her independent position as a Province could not, in their opinion, be reconciled with her special obligations as the capital city of the whole of Austria.[4] This, however, seemed to the Social Democrats like an attempt to have things both ways—federalism and the abolition of Viennese autonomy. But the Christian Socialists pointed out, with some truth, that the position of the Mayor of Vienna was very much stronger than that of an ordinary provincial Governor.[5] The Social Democrats argued, however, that it was ludicrous that the mayor of a city comprising two million persons should be reduced to the status of a mere *Bezirkshauptmann*, while a tiny province like Vorarlberg, comprising only 140,000 persons, should be in a position of

[1] Kelsen comments as follows on these provisions: 'Mit der Vorschrift, dass die von den Polizeibehörden zu erlassenden Verordnungen, nicht gegen bestehende Gesetze verstossen dürfen, stellt sich die Verfassung auf den Standpunkt der mehr als fragwürdigen Lehre, die zwischen Verordnungen secundum Legem, praeter Legem u. contra Legem unterscheidet.' (Op. cit., p. 143.)

[2] Article 120, (1); *Frankfurter Zeitung*, 5 December 1929.

[3] *Reichspost*, 12 October 1929.

[4] 'Der geschichtlich gewordene, legitime Länderföderalismus ist ein Wesen für sich, u. kann nicht verwechselt werden mit der Stellung der Bundeshauptstadt, die als solche besondere Verflichtungen gegenüber dem ganzen Bund, als Sitz aller zentralen Institute hat.' (*Reichspost*, 19 October 1929.)

[5] *Reichspost*, 19 October 1929.

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731 hardly have been worse. The fighting in Lower Austria had coincided with sowing time; horses and tractors had been carried off; men of military age were still away, and the forced foreign labour brought in by the Nazis had disappeared. Women dared not go out on to the fields, and their menfolk were unwilling to leave them alone at home, with Russian troops in the neighbourhood. In these circumstances the well-intended exhortations of the *Bauernbund* and the efforts of the Lower Austrian Government could have little effect. The only hope was Allied help, and this was fortunately forthcoming. In May the Russian Army began to release food from its own stocks, and in September all four occupying Powers joined in alleviating Vienna's supply problem.

• 625 648 The disintegration of the Austrian police that accompanied the liberation left the country without a force for the maintenance of law and order at a time when it was most needed. Joint Russian and Austrian improvisation, however, produced a reasonably satisfactory solution of this problem, though an increase of crime was inevitable under the exceptional conditions of the time.

The Russians first established groups of auxiliary police largely under Communist leadership in the Vienna districts and parts of Lower Austria. The Austrian partisan battalion from Yugoslavia, which arrived in Vienna on the 12th of May, was also installed as a kind of Communist party-guard in the Hofburg, the old Imperial Palace, which had become the Russian headquarters. But from the beginning loyal Austrian police officials were also working energetically for the re-organization of the police. They operated at first from the Auersperg Palace, the headquarters of the Resistance, and, as early as the 13th of April, contrived to get a poster printed calling on former members of the police who had not been Nazis before 1938 to present themselves at a rendezvous in the Kandlgasse. It was very fortunate that Oskar Helmer, the Socialist Under-Secretary in the Ministry of the Interior, was one of the strongest personalities in his party. He worked consistently to prevent the re-organized force from coming under

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Communist control and to emphasize the importance of professional training and experience. At his suggestion, on the 23rd of May, Dr. Pamer, a former Police President, replaced a Communist as Police President of Vienna. Finally, on the 13th of June, the whole force was formally taken over by the Police Directorate, a purely Austrian authority.

By July the Vienna police were nearly 7,500 strong, though only some 1,000 of them had had previous police experience and many still owed their position to their political opinions. In September, at British instigation, the first meeting of the Allied Public Safety Committee was called. From then on the Austrian police were under Quadripartite supervision, and the three Western Powers were able to counterbalance Russian influence.

Dr. Renner's main concern, after his first few months in office, was to ensure the real unity of Austria. The Provisional Government had announced the restoration of the Austrian Republic and declared itself to be the Government for all Austria. Yet *de facto* its authority still only extended to those parts of the country that were occupied by the Russians; that is to say, Vienna, Burgenland, Lower Austria, and parts of Upper Austria and Styria. The Chancellor's two aims were to obtain the recognition of the Four Powers for his Government and reintegrate the country under its control. The continued division carried with it real dangers. Economically, the position was absurd. In so small a country, each part was dependent on the others for its survival. But the iron of Styria was cut off from the engineering industries of the Russian zone. The salt and meat of Salzburg and the Tyrol could not be brought to Vienna, and the oil, grain, and potatoes of Lower Austria were not available to the West. It had always been difficult to feed Vienna. Yet the task had become impossible in a house, as Dr. Renner put it, 'where the larder was walled off from the kitchen by zonal frontiers'.

Since 1918 the mutual suspicion between Vienna and the provinces had been a menace to the country as a whole. The interests of the city and the rural areas were utterly different,

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advisedly came up from the basement to the switchboard to complain that he could not hear a certain international call that was in progress. During the same year the Russians ordered the disconnection of three transit telephone circuits between adjoining countries which pass through Austrian territory without connecting into the Austrian system. They also arbitrarily disconnected the Yugoslav Government's teleprinting station in Vienna.

In December 1951 the Austrian Government's impatience with these proceedings caused the Chancellor to send a note to the Allied Council announcing the Government's intention to substitute the name 'Allied Censorship Agency', for 'Austrian Censorship Agency'. 'Censorship in Austria', he wrote, 'is exclusively performed according to the instructions of the occupying Powers. In no way does it serve Austrian interests. On the contrary, it runs counter to them.' The Government also announced its decision to dismiss all the 863 employees under contract with the Censorship Agency. Yet, in spite of this protest, the censorship continues. The Austrian Government defrays three-quarters of the cost. The work is still carried out by Austrians, who are mostly Communists chosen for the purpose by the Russians in 1945. And the cumbersome and wasteful procedure gives no satisfaction to anyone except the Soviet authorities and those for whom it provides employment.

In the months immediately following the liberation it was the clear intention of the Russian military leaders to establish control over the Austrian police. As many Communists as possible were introduced both into the ranks of the active police force and into the most responsible administrative positions. The effects of these efforts were still noticeable six years later. But Russian influence was checked when the Western Powers arrived in Vienna, and it ceased to be preponderant after the 1945 elections. From then on the object of Soviet policy was to limit both the numbers and efficiency of the police.

The Austrian Government repeatedly asked the Allied

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727 625 Council for permission to arm the police on an adequate and uniform scale. Its requests were supported by the Western Allies and turned down regularly by the Soviet Element. Appeals for modern radio equipment met with a similar response. The results were particularly serious owing to the high incidence of violent crime after the War and the fact that the criminals were aware of the deficiencies in police equipment. In the autumn of 1948 the Soviet authorities closed down four training-schools for *gendarmerie* in the Russian zone and refused to allow the transfer of students to other schools. When the matter was referred to the Allied Council, the Soviet High Commissioner refused to discuss it and justified his position on the ground that the Council had failed to limit the size of the police. His attitude was echoed by the Communists in the Austrian Parliament, who shortly afterwards opposed budgetary provisions for strengthening the police.

Supported by the Western Allies, the Austrians went quietly ahead with reorganization and re-equipment. As the Allied Council could not agree, the work was carried out on a zonal basis, and the police in Austria as a whole soon reached a high level of efficiency. In fact, the negative Russian behaviour eliminated central restrictions as well as central aid. But there has been no more revealing evidence of the Soviet Government's attitude towards the Second Austrian Republic than the changing policy of its representatives towards the police.

The Russian attacks on the Austrian Government, which were made at convenient stages in the treaty negotiations, were also useful to justify the Russian policy of obstruction carried out within Austria. The Austrian denazification programme was violently criticized, and as late as 1950 the Soviet representative in the Allied Council demanded that the Austrian Government should establish concentration camps for the imprisonment of implicated Nazis. In April 1950 the Soviet High Commissioner alleged that the Austrian *gendarmerie* in the Western zones was being organized, armed and equipped, in violation of existing Allied Council agreements,

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to provide a basis for a future Austrian army. In September of the following year this charge was repeated and expanded, when the High Commissioner stated that Austria's war industries were being re-established in the Western zones and that aeroplane plants and rocket factories were being built to serve Western re-armament. During his refutation of these charges the United States High Commissioner invited General Swiridow, his Soviet colleague, to come and see the imaginary installations for himself. The invitation was not accepted.

All the forms of obstruction that have so far been mentioned related to the Allied Control Commission and affected the Austrian Federal Government. But Soviet political interference attracted most attention in the Russian zone and the Russian districts of Vienna.

It would be misleading and unfair to assume that the numerous and serious cases of interference that occurred were typical of day-to-day administration in the Russian zone. The whole atmosphere in Eastern Austria is different from that in the Western zones: more buildings are requisitioned, there are more troops, and there is an underlying feeling of uncertainty and insecurity. But Austrian and Allied officials, who have been in close touch with the Russian authorities, agree that on the whole they have adhered to their written agreements regarding the political administration of occupied Austria. Their relations with the police have normally been co-operative and correct. It is possible for an Austrian to live in the Russian zone, and for a foreigner to move about in it, and yet scarcely be aware of anything unusual in the situation. The local government is Austrian, and the laws enforced are the enactments of the Austrian Federal Government. The gloomy pictures of political conditions in the Russian zone that are often painted in foreign countries and the rest of Austria are due mainly to the Soviet Government's attitude towards Austrian independence, its record in Eastern Europe, and the excesses of Russian troops immediately after the War. The conditions are unpleasant compared with those in the free countries of the West and in Western Austria, but they

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selves conducting investigations into a recent series of kidnappings. The Austrian Government protested vigorously, and the matter was taken up a number of times by the Allied Council, but it was not until over three years later that the Soviet Foreign Ministry revealed that Marek was serving a twenty-five years' sentence in the Soviet Union for 'organizing espionage against Soviet occupation troops'. In 1948 Frau Dr. Ottillinger, an important official in the Ministry of Economic Planning, was actually arrested on the frontier between the Russian and American zones, while in the company of her Minister, Dr. Krauland.

Although Russian relations with the local police have generally been reasonable, there have been isolated exceptions to the rule.

The Soviet authorities could scarcely interfere with the measures taken by the Minister of the Interior to ensure the loyalty of the police as a whole, and early in September 1947 Dr. Duermayer, the Moscow-trained Communist chief of the Vienna State Police, was transferred to a similar office in Salzburg, where, in the heart of the American zone, he would be comparatively innocuous. Within six weeks the Police Chiefs of St. Pölten, Baden, and Wiener Neustadt, three of the most important towns in the Russian zone, were dismissed by the Soviet authorities on what the Austrian Government considered to be unsubstantiated grounds.

The worst cases of interference with the police occurred during and after the Communist attempt to organize a general strike in the autumn of 1950. The Soviet authorities forbade certain movements of police in Vienna and the Russian zone, and so hindered the re-establishment of law and order at a critical time. After the disturbances were over a number of police officials were dismissed or retired by the Austrian authorities for their behaviour during the crisis. The Russians ordered their reinstatement, and the tragi-comedy that ensued had not ended at the beginning of 1953. The police chiefs in two districts of Vienna were held in office by Russian orders and were at the same time treated as pensioners by the Austrian

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727 Police Headquarters which communicated with the District
625 Offices concerned through the Assistant Chiefs. There could be no better example of the curious division of authority in occupied Austria nor of the persistence of the Austrian Government in maintaining points of principle.

The systematic confiscation, during the Christmas holiday 1952, of the rubber truncheons belonging to the police in the Russian zone was a measure that might well have been prevented by the Soviet propaganda department. The justifiable annoyance that it caused was somewhat modified by the Austrian sense of humour.

727 As regards the political administration in the Russian zone, there was little open interference by the Soviet authorities except in minor matters. Cases in which local officials were arrested were not unknown, and town and village burgomasters were subject to the expressed or implied threats of Russian military commanders in the areas where they were stationed. But, on the two occasions when the Soviet authorities appeared to be contemplating interference on issues of major importance, they either thought better of it or received countermanding orders from above.

In the spring of 1950 the Russians expressed their disapproval of the provincial laws which provided for the holding of local elections in Lower Austria and Burgenland. Under the terms of the Control Agreement there was no reason why their disapproval should have any effect, and the Austrians proceeded to hold the elections. The voting took place without incident, and in the parishes, municipalities, and sectional chambers the Communists were crushingly defeated. In the parish and municipal elections in Lower Austria the Communists got less than 6 per cent of the votes, and all the Communist mayors that had been put in by the Russians in 1945 were replaced.

During the autumn of 1952, when the election campaign was beginning, the Minister of the Interior informed Parliament that Soviet officers had given orders to two different Austrian authorities banning the Union of Independents in the Russian zone. He added characteristically that he saw him-